

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

**FARHAN MOHAMOUD TANI WARFAA, :**

**Plaintiff, :**

**versus : Civil Action No. 1:05-cv-00701 (LMB/JFA)**

**YUSUF ABDI ALI, :**

**Defendant. :**

***DEFENDANT’S PROVISION OF SUPPLEMENTAL AUTHORITY PURSUANT TO  
COURT ORDER OF 22 JULY 2014***

COMES NOW, before this Honorable Court, the Defendant in respect of the above-encaptioned matter, *viz.*, Yusuf Abdi Ali, by and through his undersigned counsel, *viz.*, Joseph Peter Drennan, and, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, respectfully, and hereby and herewith submits certain supplemental authority upon which he intends to rely in respect of addressing this Honorable Court’s request for argument addressing the implications of the Supreme Court’s decision in the case of *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659 (2013), as regards the threshold question of whether *vel non*, this Court may retain jurisdiction under the Alien Tort Claims Act, 28 U.S.C., § 1350. Specifically, Defendant is prepared to argue that, as suggested by this Honorable Court in its Order of 22 July 2014 [Document 100], the holding in *Kiobel* makes it pellucidly clear that this Court is bereft of jurisdiction to hear the putative claims set forth in the Amended Complaint [Document 89], and that, accordingly, the case must be dismissed pursuant to F. R. Civ. P. 12.

Such supplemental authority consist of the following recent federal court decisions, copies of which are attached hereto, viz.:

- | <i>Exhibit #</i> | <i>Case</i>   |
|------------------|---|
| 1.)              | <i>Al-Shimari v. C.A.C.I.</i> , 2014 WL 2922840 (4th Cir., June 30, 2014) <sup>1</sup> ;        |
| 2.)              | <i>Chen Gang v. Zhao Zhizhen</i> , 2013 U.S. Dist. LEXIS 134510 (D. Conn., September 20, 2013); |
| 3.)              | <i>Sexual Minorities Uganda v. Lively</i> , 960 F. Supp. 2d 304 (D. Mass. 2013);                |
| 4.)              | <i>Giraldo v. Drummond Co.</i> , 2013 U.S. Dist. LEXIS 103981 (N.D. Ala., July 25, 2013); &     |
| 5.)              | <i>Chowdhury v. World Tel. Bangl. Holding, Ltd.</i> , 746 F. 3d 42 (2 d Cir. 2014).             |

Respectfully submitted,

/s/ Joseph Peter Drennan

Dated: 25 July 2014

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ATTORNEY AND COUNSELLOR  
FOR YUSUF ABDI ALI

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<sup>1</sup> Plaintiff has also referenced this case. See: Plaintiff's Notice of Supplemental Authority, filed on 22 July 2014 [Document 101].

***CERTIFICATE OF SERVICE***

I, Joseph Peter Drennan, hereby certify that, on this 25th day of the month of July, 2014, I caused to be served a true and correct copy of the foregoing Notice of Supplemental Authority, electronically, via this Honorable Court's CM/ECF System, and via hand carriage, unto:

Tara M. Lee, Esquire  
Joseph C. Davis, Esquire  
DLA Piper LLP (US)  
One Fountain Square  
11911 Freedom Drive, Suite 300  
Reston, Virginia 20190.

/s/ Joseph Peter Drennan  
**JOSEPH PETER DRENNAN**